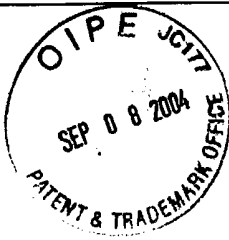


AF / 1637  
125

# ARNOLD & PORTER LLP



September 8, 2004

David R. Marsh, Ph.D.  
David\_Marsh@aporter.com

202.942.5068  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SEP 13 2004

TECH CENTER 1600/2900

Re: U.S. Patent Application No. 09/394,745  
Filed: September 15, 1999  
Title: *Nucleic Acid Molecules and Other Molecules Associated  
with Plants*  
Applicants: Dane K. FISHER *et al.*  
Atty. Docket No.: 16517.280

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

1. Interview Summary, together with Exhibit A; and
2. Return postcard.

Please stamp the postcard with the filing date of the Interview Summary and return it to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees are required in the present application, including fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 16517.280. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)  
Holly Logue Prutz (Reg. No. 47,755)

Attachments

ARNOLD & PORTER LLP



September 8, 2004

COPY

David R. Marsh, Ph.D.  
David\_Marsh@aporter.com

202.942.5068  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SEP 13 2004

TECH CENTER 1600/2800

Re: U.S. Patent Application No. 09/394,745  
Filed: September 15, 1999  
Title: *Nucleic Acid Molecules and Other Molecules Associated  
with Plants*  
Applicants: Dane K. FISHER *et al.*  
Atty. Docket No.: 16517.280

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office (USPTO):

1. Interview Summary, together with Exhibit A; and
2. Return postcard.

Please stamp the postcard with the filing date of the Interview Summary and return it to  
our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent  
application, then such extensions of time are hereby petitioned. Applicants do not believe any  
fees are due in conjunction with this filing. However, if any fees are required in the present  
application, including fees for extensions of time, then the Commissioner is hereby authorized to  
charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter  
number 16517.280. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)  
Holly Logue Prutz (Reg. No. 47,755)

Attachments



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Dane K. FISHER *et al.*

Appl. No.: 09/394,745

Filed: September 15, 1999

Title: *Nucleic Acid Molecules and Other  
Molecules Associated with Plants*

Art Unit: 1637

Examiner: Young J. KIM

Atty. Docket: 16517.280

Confirmation No.: 4816

**Interview Summary**

SEP 13 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

Sir:

In response to the Interview Summary received from the Examiner dated August 19, 2004, Applicants submit the following summary.

Applicants' representatives thank the Examiner for extending the courtesy of an interview.

In Attendance

Director, Technology Center 1600: Jasmine Chambers  
Practice Specialist 1600: Deborah J. Reynolds  
Supervisory Patent Examiner: Gary Benzion  
Quality Assurance Specialist: Brian Stanton  
Monsanto Intellectual Property Counsel: Thomas E. Kelley  
Registered Patent Attorney: David R. Marsh  
Registered Patent Attorney: Holly Logue Prutz  
Registered Patent Attorney: Thomas E. Holsten

- 1) Exhibits: No exhibits were provided or discussed.
- 2) Claims Discussed: Pending claims 8-11
- 3) Cited Art Discussed: No Art was presented or discussed
- 4) Amendments discussed: No amendments were presented or discussed

5) Summary of Arguments:

At the interview, Applicants' representatives appreciated the opportunity to discuss various general aspects of the application including procedural issues relating to the restriction requirement and pending appeals. Applicants were advised that the restriction requirement in the application would be withdrawn upon return of the application from the Board of Patent Appeals and Interferences (the "Board") and a supplemental Examiner's Answer would be issued to address the second Appeal Brief filed on June 30, 2003.

6) Other Matters: None

7) General Result: Applicants have confirmed the remand of the application from the Board on August 30, 2004, as reflected by the facsimile from Brian Stanton, attached hereto as Exhibit A. Thus, based upon the representations of the Office,<sup>1</sup> Applicants' understanding is that the restriction requirement in the application has been withdrawn.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
Holly Logue Prutz (Reg. No. 47,755)

Date: September 8, 2004

ARNOLD & PORTER LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206  
202.942.5000 telephone  
202.942.5999 facsimile

OF COUNSEL:

Thomas E. Kelley (Reg. No. 29,938)  
MONSANTO COMPANY  
62 Maritime Drive  
Mystic, CT 06355  
860.572.5274 telephone  
860.572.5280 facsimile

---

<sup>1</sup> See the Interview Summary dated August 19, 2004.